

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL NO. 15-CR-40079-JPG
v.)	
)	
AARON B. FLOTA,)	
)	
Defendant.)	

STIPULATION OF FACTS

Comes now the United States of America, by and through its attorneys, James L. Porter, Acting United States Attorney for the Southern District of Illinois, and George A. Norwood, Assistant United States Attorney, together with the Defendant, AARON B. FLOTA, and his counsel of record, James Stern, and herewith enter into the following stipulation of facts consistent with Section 1B1.3 of the United States Sentencing Guidelines pertaining to the Defendant's relevant conduct.

The Defendant admits that he knowingly possessed a firearm, that is an Improvised Explosive Incendiary Device, which was required to be registered in the National Firearms Registration and Transfer Record. The defendant knew that the destructive device had the characteristic of an Improvised Explosive Incendiary Device. The Defendant knew that the destructive devices had not been registered in the National Firearms Registration and Transfer Record.

The basic facts are as follows:

On August 10, 2015, in Clay County, Illinois, the Defendant and co-defendant Kevin Caldwell made a destructive device using a CO2 cartridge and compounds obtained from fireworks. The Defendant made a hole in the neck of the CO2 cylinder large enough to enable to put gunpowder into the cartridge. The Defendant then sealed the cylinder closed with a hammer.

The Defendant exploded the device by putting a blowtorch to it. This caused the device to blow up and a chunk of shrapnel went into the Defendant's arm. The Defendant went to the Clay County hospital for his arm wound and then eventually air lifted to Evansville, Indiana due to the wound.


On August 12, 2015, the Defendant gave a voluntary statement to law enforcement. The Defendant admitted that, among other things, the gun powder came from firecrackers and that co-defendant Caldwell provided the powder. The Defendant stated that he lit the device utilizing a hand held torch. The Defendant stated that he did pull the shrapnel out of his arm and threw it out of the car window.


Michael L. Eggleston, an ATF Explosives Enforcement Officer/Bomb Technician, has determined that the device possessed by the Defendant was a destructive device under federal law.


Clay County, Illinois, is within the Southern District of Illinois.

This stipulation of facts is intended only to provide the Court with a sufficient foundation to accept the defendant's guilty plea and is not an exhaustive account of the defendant's involvement in this criminal activity.

JAMES L. PORTER
Acting United States Attorney


AARON B. FLOTA
Defendant


George Norwood
Assistant United States Attorney


James Stern
Attorney for Defendant

Date: 2-25-16

Date: 2/25/16